

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

<div>In re:</div> <div>HILAL K. HOMAIDAN fka Helal K. Homaidan</div> <div>Debtor,</div>	<div>Chapter 7</div> <div>Case No. 08-48275 (ESS)</div>
<div>In re:</div> <div>REEHAM YOUSSEF aka Reeham Navarro Youssef aka Reeham N. Youssef</div> <div>Debtor,</div>	<div>Chapter 7</div> <div>Case No. 13-46495 (ESS)</div>
<div>HILAL K. HOMAIDAN and REEHAM YOUSSEF on behalf of themselves and all others similarly situated</div> <div>Plaintiffs,</div> <div>v.</div> <div>SALLIE MAE, INC, NAVIENT SOLUTIONS, LLC, NAVIENT CREDIT FINANCE CORPORATION</div> <div>Defendants.</div>	<div>Adv. Pro. No. 17-1085</div>

DECLARATION OF MATTHEW C. MAHER

I, Matthew C. Maher, declare under penalties of perjury as follows:

1. I submit this declaration in support of Plaintiffs' Motion for Preliminary Injunction in the above-entitled matter.

2. I learned of this proceeding through my bankruptcy attorney who put me in touch with Austin Smith, Esq. who I understand is one of the attorneys representing the Plaintiffs in the proposed class in the above-entitled matter.

3. I believe I am a member of that class because I believe that I have private loans from Navient that exceed the cost of attendance at the colleges I attended.

4. In 2006, I attended Brooklyn College for a semester and in 2007 and 2008 I attended the New School. While attending those schools I received private loans from Navient's predecessor in the amount of \$131,687. This included two Tuition Answer Loans totaling \$53,125 and six signature loans totaling \$78,562.

5. In October of 2020, I filed a petition in bankruptcy in the Bankruptcy Court for the Eastern District of New York, Bankruptcy, Hon. Judge Nancy H. Lord presiding. I received my discharge in January 2020.

6. Soon after my discharge, Navient began calling me, sometimes three to five times a day, asking me to make payment on these private loans. I also began receiving statements indicating that these loans were past due.

7. I contacted Navient after my discharge to advise them that these loans have been discharged in bankruptcy and I received the attached letter in which Navient advised me that my private student loans were not discharged in bankruptcy. *See* Exhibit A hereto. Also attached as Exhibit B is a recent statement showing all my private loans still due and owing.

8. The calls have continued unabated for several months. I have blocked approximately thirty (30) separate telephone numbers through which Navient has attempted to contact me. Recently on, October 6, 2020, I received five phone calls between 8:00 a.m. and 11:00 a.m.

9. Navient has also begun calling other individuals in an effort to embarrass me and induce me to make payment on these loans. On September 28, 2020, they contacted my brother and urged him to get in touch with me, to ask me to call Navient about my student loans.

10. On October 5, 2020, Navient contacted a family friend whom I had used as a reference when I obtained one or more of the loans and reported to her that I was delinquent on my loans and told her, falsely, that they do not have a good telephone number for me and, therefore, they contacted her to urge me to contact Navient.

11. On or about October 9, 2020, they contacted my other brother and on or about October 9, 2020, they contacted members of my other brother's wife's family about the debt, all in an effort to embarrass me and to coerce me to make payments on my loans.

12. On October 13, 2020, Navient contacted a friend and former roommate and asked her to contact me to call Navient.

13. Attached as Exhibit C is an email, I received on October 6, 2020, from Navient urgently asking me to contact Navient because "we are coming up on a deadline."

14. Attached as Exhibit D is an email that I received on October 13, 2020, urging me to contact Navient about repaying my student loans.

15. I am a self-employed media and marketing consultant for Broadway theatre shows. Since Broadway's closure on March 13, 2020 due to the COVID-19 crisis, I have been out of work,


only able to do a few projects on a sporadic basis. I am currently receiving unemployment payments.

16. I have been asked to submit this declaration to demonstrate that Navient has not ceased its harassing attempts to collect on these private loans despite the fact that many individuals who have declared bankruptcy are not in a position to make payment and are using whatever funds they obtain to buy food and pay for shelter.

17. I, therefore, ask the Court to enter a preliminary injunction enjoining Defendants from taking any steps to collect on private student loans held by class members that Navient cannot affirmatively establish are nondischargeable under the Bankruptcy Code, pending final determination of this proceeding.

I declare under penalty of perjury of the laws of the United States that the foregoing is true and correct to the best of my knowledge, information, and belief.

Dated: October 14, 2020



Matthew C. Maher